

DISTRICT OF COLUMBIA
OFFICE OF ZONING

APPEAL OF

Frederick H. Graefe Trust,
Doris McClory, *McClory*
S. Price Riggs and
Heather McPhee

Filed: 10/28/08

Case No. 17903

From the Administrative Decision of:
DCRA Permit Operations Division issuance of
Garage Permit No. G0800014 on 8/6/08
317 Constitution Avenue, NE

APPELLANTS' STATEMENT

Appellants are four property owners in Square 785: the Frederick H. Graefe Trust, Lot 821; Doris McClory, Lot 0043; Heather McPhee, Lot 843; and S. Price Riggs, Lot 835. The appellant properties are in the immediate vicinity of the building that is the subject of this appeal, which is on Lot 820 in Square 785. **Attachment 1.** The appellants will present their case through the testimony of appellants and possibly other witnesses with personal knowledge, and through documentary exhibits. A summary of what will be proved follows:

The subject building, the only one on Lot 820, is a 2-story brick building ("Building"). The Building occupies approximately 1654 square feet of the Lot, whose area is approximately 1763 square feet, or approximately 94% of the Lot. The Lot has frontage only on public alleys and is under separate ownership from the three adjacent lots fronting on Constitution Avenue, N.W. (Lots 821, 842 and 843). **Attachment 1.**

Garage Permit No. G0800014 was issued for work on the Building. **Attachment 2.** The work -- installation of fences, gates and garage doors -- is in furtherance of the owner's

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17903

EXHIBIT NO. 2

intention to use the Building as a parking garage, as that term is defined in §199, 11 DCMR. The owner, 300 Independence Avenue, LLC ("Independence"), has a mailing address of 301-7th Street, S.E. The parking garage is intended for use for commuter or other non-residential parking by persons who neither own nor reside in property within Square 785, with at least some spaces leased on a monthly basis. **Attachment 3.** There are no repair or service facilities in the Building, which will be devoted exclusively or predominately to motor vehicle parking. Independence owns no other property in Block 785.

The parking garage use is the only use of Lot 820 and therefore the principal use of Lot 820. A principal use, by definition, cannot be its own accessory use. §199, 11 DCMR (definition of "Use, accessory"). Hence, the parking garage is not an accessory parking garage in relation to Lot 820, nor is it functionally accessory to any adjacent use by virtue of common ownership of adjacent lots. Nor can the parking garage be an accessory to any use entirely outside Square 785. §2500.1, 11 DCMR. Square 785 is in the CAP/R-4 zone, and the Building is therefore subject to the use restrictions in the CAP/R-4 zone. §1201.2(a), 11 DCMR. In the R-4 zone, and therefore the CAP/R-4 zone, a parking garage is allowed only as an accessory use or accessory building that is incidental to a permitted use. §331.1(b). In addition, Independence does not hold a special exception for a parking garage on Lot 820. The proposed use of the Building as a parking garage that is not an accessory use or special exception is prohibited by the Zoning Regulations.

Permit No. G0800014 is denominated a "Garage Permit," reflecting DCRA awareness that the Permit is intended to facilitate or further the use of the Building as a parking garage. Pursuant to §105.3.1, 12 DCMR, and §3202.1, 11 DCMR, the permit application should have


been rejected because the Building does not comply with the above-described prohibition in the Zoning Regulations on parking garages as a principal use in the CAP/R-4 zone. Instead of facilitating the start or continuation of an illegal use by authorizing the construction of an accessory fence and other improvements, the "Garage Permit" should not have issued. Instead DRCA should have issued an order prohibiting use of the property as a parking garage as a principal use.¹

Garage Permit No. G080014 required the applicant to construct the fences authorized thereunder "in accordance with all applicable laws and regulations of the District of Columbia." Those regulations include § 3110.3.2, 12 DCMR, which prohibits any fence abutting an alley in a Residential District in excess of 7 feet in height. A fence erected by Independence under the Permit violates the Permit because it is a fence in a Residential District abutting an alley and it exceeds 7 feet in height. Appellants have demanded that DCRA order corrective action to lower the fence to a lawful height, but to date no corrective action has been ordered by DCRA or taken by Independence.

Contemporaneously with this appeal, appellants intend to seek from DCRA a stop work order, enforcement of the prohibition on the use of the Building as a parking garage, and an order to Independence to remove the accessory fence. In the event DCRA fails or refuses to comply with one or more of these requests by the time this matter comes on for hearing, such action is an additional grounds for this appeal.

¹ The Permit erroneously lists the property subject to the Permit as Lot 843, even though the applicant stated in its application that the subject property is Lot 820. **Attachment 4.** DCRA may have been misled by the address given by the applicant, "317 Constitution Ave. Rear N.E." or DCRA may have erroneously believed the Building is accessory to the home on Lot 843, owned and occupied by appellant Heather McPhee.

Appellants are aggrieved persons as that term is used in § 3112.2 of 11 DCMR, and D.C. Code § 6-641.07(f) (2001), by virtue of their status as property owners adjacent to or in the immediate vicinity of the Building property. Goto v. BZA, 423 A.2d 917, 921 (D.C. 1980). In addition, the appeal is timely under § 3112.2(a), 11 DCMR, because it is being filed within 60 days of the date appellants had knowledge of the erroneous actions by DCRA or reasonably should have had such knowledge, and the Permit does not involve the construction of any structure to be placed under roof. The fence was erected, and the permit posted on the Building, on September 9, 2008. Immediately thereafter, appellants sought access to the application and accompanying materials from Records Management, DCRA (202-442-4480). These materials were essential to evaluating the lawfulness of the Permit and preparing this Statement, which includes exhibits from that file (**Attachments 1, 2 and 4**). Despite repeated phone calls and visits to Records Management, the requested materials were not made available to appellants by Records Management until October 15, 2008, at which time the merits of the case were analyzed and the appeal papers prepared with all reasonable dispatch.


David W. Brown
Knopf & Brown

Department of Consumer and Regulatory Affairs

Permit Operations Division

941 North Capitol Street NE Room 2100

Washington, DC 20002

Tel. (202) 442-4589

Fax (202) 442-4862

G GARAGE PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL
WORK IS COMPLETED AND APPROVED

PERMIT NO. G0800014

Date: 8/6/2008 12:00:00

Address of Project:	Zipcode:	Zone:	Ward:	Square:	Suffix:	Lot:
317 CONSTITUTION AVE NE		CAP/R	6	0785		0843

Description of Work:

INSTALL FENCE AND GATE TO EASTERN BORDER OF LOT UP TO NEIGHBORS FENCE (APPROX 50') AND INSTALL/REPLACE
EXISTING FENCE AND GATE TO NORTH WEST CORNER OF LOT. REPLACE EXISTING GARAGE DOORS WITH OVER HEAD

GARAGE DOOR CO. THERMOCORE 194 SERIES WITH RAISED PANEL DESIGN

Permission is Hereby Granted To:

300 Independence Ave., Lic

Owner Address:

301 7TH ST SE
WASHINGTON, DC 20002-5913

Contractors Name:

License Number:

Contractors Address:

PERMIT FEE:

\$276.00

BZA No:

Type of Work:

No. Garages:

Material Roof:

Material Sides:

Color:

Length:

FT

Width:

FT

Area:

SQFT

Conditions/ Restrictions:

This permit expires if no construction is started within 1 year or if the last inspection is over 1 year.

All construction done according to the current construction codes and zoning regulations;

As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.

Director:
Linda K. Argo

Linda K. Argo

Permit Clerk:

Doris Minor

Expiration Date:

08/07/2009

TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639

FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557

TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442 9557

X-Spam-Flag: NO
X-Envelope-From: FGraefe@graefelaw.com
Subject: FW: Parking
Date: Thu, 25 Sep 2008 11:33:44 -0400
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: Parking
Thread-Index: Ackfl9tF33cXhWoxTJuk6NHG1FBsRwAAC2dA
From: "Frederick Graefe" <FGraefe@graefelaw.com>
To: "David W. Brown" <brown@knopf-brown.com>
X-MMR: 0
X-Antivirus: Scanned by F-Prot Antivirus (<http://www.f-prot.com>)

2008 OCT 28 PM 3:32
D.A. OFFICE 2011ME

Craig's list

Frederick H. Graefe, Esq.
Law Offices of Frederick H. Graefe PLLC
319 Constitution Avenue, NE
Washington, D.C. 20002
202.548.0220 (voice)
202.548.0355 (fax)
202.494.6799 (mobile)
www.graefelaw.com

From: Katharine Duarte
Sent: Thursday, September 25, 2008 11:32 AM
To: Frederick Graefe
Subject: Parking

\$250 CAPITOL HILL: PARKING @ CONSTITUTION AVE, NE (317 CONSTITUTION AVE, NE, REAR)

Reply to: hous-852566970@craigslist.org ^[2]
Date: 2008-09-23, 5:57PM EDT

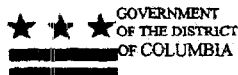
ONE (1) CAR GARAGE PARKING
ONE (1) BLOCK TO SUPREME COURT
AVAILABLE FOR OCTOBER 2008
CALL 202 544 6666
E-MAIL STANTONDEVELOPMENT@GMAIL.COM

- Location: 317 CONSTITUTION AVE, NE, REAR
- it's NOT ok to contact this poster with services or other commercial interests

PostingID: 852566970

ATTACHMENT 3

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
N.C.P.C. No:	O.G. No:			6-0520014	By:
H.P.A. No:	S.L. No:	Ward No:	Receipt No:	Date:	Receipt No:



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Tel 202-442-4589 Fax 202-442-4862

BLRA-33
(Rev. 2/04)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY (PRINT IN INK OR TYPE, DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

CLEARANCE TO FILE By _____ Date _____	ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION
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(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1 Address of Proposed Work: 317 CONSTITUTION AVE. REAR NE		Suite No.	2. Lot C8-20	3. Square 0785	4. Application Date 8.5.2008
5 Owner of Building or Property 300 INDEPENDENCE AVENUE, LLC		6 Address (include Zip Code) 301-7th ST SE		7 Phone 202-544-6666	
8 Agent for Owner: (if applicable) Scott Hannon		9. Address (include Zip Code) 226 11th St SE		10. Phone 2-302-0342	
11. Type of Proposed Work (check all applicable boxes)					
<input type="checkbox"/> New Building <input type="checkbox"/> Retaining Wall <input type="checkbox"/> Garage <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Fence <input type="checkbox"/> Sign <input type="checkbox"/> Alteration and Repair <input type="checkbox"/> Shed <input type="checkbox"/> Projection <input type="checkbox"/> Raze Building <input type="checkbox"/> Awning <input checked="" type="checkbox"/> Other (Specify) <u>INSTALL FENCE AND GATE</u>					
12. Description of Proposed Work <u>(FENCE AND GATE)</u> INSTALL FENCE TO EASTERN BORDER OF LOT UP TO NEIGHBORING FENCE (APPROX 50') AND INSTALL/REPLACE EXISTING FENCE AND GATE TO NORTH WEST CORNER OF LOT. REPLACE EXISTING GARAGE DOORS WITH OVERHEAD GARAGE DOORS CO. THERMOCORE 194 SERIES WITH RAISED PANEL DESIGN					
13 Existing Use(s) of Building or Property GARAGE		14 Ex. No of Stories of Bldg 2	15 Ex No of Dwelling Units 0	Official Use Only Miscellaneous FEE \$	
16 Proposed Use(s) of Building or Property GARAGE		17 Prop No of Stories of Bldg 2	18 Prop. No of Dwelling Units 0	By:	Date:
19 Starting Date UPON ISSUANCE OF PERMIT	20 Completion Date of work 2 DAYS	21 Method of Removing Construction Debris <input checked="" type="checkbox"/> Pick-up Truck <input type="checkbox"/> Dumpster <input type="checkbox"/> Other (specify)		22 Does the proposed work involve disturbing the earth or razing a building? <input type="checkbox"/> Yes, answer q. 23 <input checked="" type="checkbox"/> No, SKIP q. 23-27	
23. Is the area of disturbed earth more than 50 sq. ft? <input type="checkbox"/> Yes, answer q. 24-25 <input checked="" type="checkbox"/> No, SKIP q. 24-25	24. Soil Erosion Control Methods		25. Area of Offsite Drainage sq. ft	26. No of Footings or Columns	27 Size of Footings or Columns

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I)

OFFICIAL USE ONLY

	R	P	H	A	
M					
P					
E					W Yes <input type="checkbox"/> No <input type="checkbox"/>
F					PLANS
S					<input type="checkbox"/> No <input type="checkbox"/> Sm <input type="checkbox"/> Lg

Complete Section B if the proposed work is **new building, addition or alteration.** (Page 2)
 Complete Section C if the proposed work is **razing a building.** (Page 2)
 Complete Section D if the proposed work is a **retaining wall.** (Page 2)
 Complete Section E if the proposed work is a **fence.** (Page 3)
 Complete Section F if the proposed work is a **shed/garage.** (Page 3)
 Complete Section G if the proposed work is an **awning.** (Page 3)
 Complete Section H if the proposed work is a **sign.** (Page 3)

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

28. Architect's Name: <u>NA</u>		29. D.C. Lic. No.:		30. Architect's Address: (include Zip Code)		31. Phone:																																									
32. Engineer's Name: <u>NA</u>		33. D.C. Lic. No.:		34. Engineer's Address: (include Zip Code)		35. Phone:																																									
36. Building Contractor's Name: <u>LONG FENCE / OVERHEAD DOOR</u>		36A. D.C. Lic. No.:		37. Contractor's Address		38. Phone:																																									
39. Type of Construction <input checked="" type="checkbox"/> Masonry <input type="checkbox"/> Steel <input checked="" type="checkbox"/> Wood <input type="checkbox"/> Other <input type="checkbox"/> Concrete		40. Fire Suppression: <input type="checkbox"/> Fully Sprinklered <input type="checkbox"/> Standpipe System <input type="checkbox"/> Partially Sprinklered <input type="checkbox"/> None <input type="checkbox"/> Other _____		41. Booster Pump <input type="checkbox"/> New <input type="checkbox"/> Existing <input type="checkbox"/> None		42. Total Lot Area sq. ft.																																									
44. Present Gross Floor Area of Bldg. sq. ft.		45. Proposed Gross Floor Area of Bldg. sq. ft.		46. Floors involved in this permit <input type="checkbox"/> All <input type="checkbox"/> Floors _____		43. Breakdown of Lot Area (= 100 %) a. building _____ % b. paved area _____ % c. greenery _____ %																																									
48. Number and type of projection: <u>N/A</u>		49. Distance of projection: <u>N/A</u>		50. Width of projection:		51. Width of building frontage ft.																																									
53. Water or Sewer Excavation? <input type="checkbox"/> Yes <input type="checkbox"/> No		54. Driveway Construction? <input type="checkbox"/> Yes <input type="checkbox"/> No		55. Sheeting/Shoring Necessary? <input type="checkbox"/> Yes <input type="checkbox"/> No		56. Elevators Involved? <input type="checkbox"/> Yes, answer q. 57 <input type="checkbox"/> No																																									
57. No and type of elevator		58. Plans Certified by Engineer? <input type="checkbox"/> Yes, cert. attached <input type="checkbox"/> No		47. Projection beyond building line? <input type="checkbox"/> Yes, Answer q. 48-52 <input type="checkbox"/> No, SKIP q. 48-52																																											
59. Estimated Cost of Work (a) New/Add.: \$ <u>2,500 (FENCE)</u> (b) Alt/Repair \$ <u>10,000 (DOORS)</u> Total \$ <u>12,500</u>		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="8">OFFICIAL USE ONLY</th> </tr> <tr> <td colspan="2">Alter/Repair FEE</td> <td colspan="2">New Const. FEE</td> <td colspan="2">Filing Fee</td> <td colspan="2">TOTAL PERMIT FEE</td> </tr> <tr> <td colspan="2">\$ <u>230</u></td> <td colspan="2">\$ _____</td> <td colspan="2">\$ _____</td> <td colspan="2">\$ <u>230</u></td> </tr> <tr> <td colspan="2">By: <u>[Signature]</u></td> <td colspan="2">By: _____</td> <td colspan="2">By: _____</td> <td colspan="2">By: <u>[Signature]</u></td> </tr> <tr> <td colspan="2">Date: <u>8/6/11</u></td> <td colspan="2">Date: _____</td> <td colspan="2">Date: _____</td> <td colspan="2">Date: <u>8/6/11</u></td> </tr> </table>						OFFICIAL USE ONLY								Alter/Repair FEE		New Const. FEE		Filing Fee		TOTAL PERMIT FEE		\$ <u>230</u>		\$ _____		\$ _____		\$ <u>230</u>		By: <u>[Signature]</u>		By: _____		By: _____		By: <u>[Signature]</u>		Date: <u>8/6/11</u>		Date: _____		Date: _____		Date: <u>8/6/11</u>	
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By: <u>[Signature]</u>		By: _____		By: _____		By: <u>[Signature]</u>																																									
Date: <u>8/6/11</u>		Date: _____		Date: _____		Date: <u>8/6/11</u>																																									
60. Volume of New Bldg. or Addition cubic ft.																																															

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

61. Raze Contractor's Name:		62. Contractor's Address: (include Zip Code)		63. Phone:										
64. Insurance Company		65. Policy or Cert. Number		66. Expiration Date										
67. Raze Method														
68. Building Material	69. Raze Entire Building? <input type="checkbox"/> Yes <input type="checkbox"/> No	70. Building Condemned? <input type="checkbox"/> Yes <input type="checkbox"/> No	70A. Building Vacant? <input type="checkbox"/> Yes <input type="checkbox"/> No	71. Public Space Vault? <input type="checkbox"/> Yes <input type="checkbox"/> No	72. Disconnect Water and/or Sewer? <input type="checkbox"/> Yes <input type="checkbox"/> No									
73. Size of Water Connection in.														
74. Plumber's Name:		75. D.C. Lic. No.	76. Length ft.	77. Width ft.	78. Height ft.									
79. Volume ft.		80. Party Wall? <input type="checkbox"/> Yes <input type="checkbox"/> No												
81. Asbestos in the Building? <input type="checkbox"/> No <input type="checkbox"/> Yes, location _____		82. Raze Contractor Signature												
83. Owner's Signature		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="3">OFFICIAL USE ONLY</th> </tr> <tr> <td>FEE</td> <td>By: _____</td> <td>Date: _____</td> </tr> <tr> <td>\$ _____</td> <td></td> <td></td> </tr> </table>				OFFICIAL USE ONLY			FEE	By: _____	Date: _____	\$ _____		
OFFICIAL USE ONLY														
FEE	By: _____	Date: _____												
\$ _____														

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93) The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations

84. Cost of Work \$	85. Material:	86. Height	87. Color	88. Location: Entirely on Owner's Land <input type="checkbox"/> Party Line with Adjacent Neighboring Land *										
<p>* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application</p>														
89. Signature of Adjoining Owner:		90. Phone: Home Work		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="3">OFFICIAL USE ONLY</th> </tr> <tr> <td>FEE</td> <td>By: _____</td> <td>Date: _____</td> </tr> <tr> <td>\$ _____</td> <td></td> <td></td> </tr> </table>		OFFICIAL USE ONLY			FEE	By: _____	Date: _____	\$ _____		
OFFICIAL USE ONLY														
FEE	By: _____	Date: _____												
\$ _____														
91. Address of Adjoining Owner:		92. Lot:	93. Square:											

(E) FENCE (COMPLETE ITEMS 94 THRU 102) The fence will not obstruct any accessible parking required by D.C. Zoning Regulations

94. Material and type: <u>WOOD FENCE</u>	95. Height <u>7</u> ft.	96. Color: <u>NATURAL</u>	97. Location: <input checked="" type="checkbox"/> Entirely on Owner's Land <input type="checkbox"/> Party Line with Adjacent Neighboring Land *
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* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application

98. Signature of Adjoining Owner:	99. Phone: Work Home	OFFICIAL USE ONLY FEE \$ <u>33.00</u> By: <u>[Signature]</u> Date: <u>7/6</u>
100. Address of Adjoining Owner:	101. Lot 102. Square	

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

103. Number	104. Length: ft.	105. Width ft.	106. Area: sq.ft	107. Height ft.	108. Volume cu.ft	109. Est. Cost of Work \$	OFFICIAL USE ONLY FEE \$ By: Date:
110. Material of Roof	111. Material of Sides	112. Wall Thickness: <input type="checkbox"/> External () inches <input type="checkbox"/> Party () inches			113. Color		

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number:	115. Color	116. Type: <input type="checkbox"/> Folding <input type="checkbox"/> Fixed	117. Projections: Beyond bldg. line _____ in. Beyond pt of attachm _____ in	118. Height of Lowest Part of awning	OFFICIAL USE ONLY FEE \$ By: Date:
119. Material of Frame	120. Material of Covering	121. Lettering on awning? <input type="checkbox"/> Yes <input type="checkbox"/> No	122. Fixed Posts? <input type="checkbox"/> Yes <input type="checkbox"/> No	123. Over Side- walk café? <input type="checkbox"/> Yes <input type="checkbox"/> No	

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

124. Number	125. Electric Signs? <input type="checkbox"/> Yes, answer q. 126-132 <input type="checkbox"/> No. SKIP q. 126-132	126. Type: <input type="checkbox"/> Incandes. <input type="checkbox"/> Fluoresc. <input type="checkbox"/> Neon	127. Power _____ VA	128. Electrical Contractor License Number:																		
129. Address of Electrical Contractor (include Zip)		130. Signature of Licensed Electrician		131. Phone No.																		
132. License No.																						
133. Height relative to building and ground (a) _____ ft _____ in above sidewalk (b) _____ ft _____ in above roof (c) _____ ft _____ in is building height (d) _____ ft _____ in above projection of window (e) _____ ft _____ in from roof to sign's bottom		134. Material of Sign		135. Type of Sign																		
136. Color		137. Width ft.	138. Length ft.	139. Area of Sign sq. ft																		
140. Wide of Business frontage ft.																						
141. C of O No for Bldg.	142. Sign Contractor: License No.		OFFICIAL USE ONLY <table border="1"> <tr> <th colspan="2">Sign FEE</th> <th colspan="2">Elect. FEE</th> <th colspan="2">Total FEE</th> </tr> <tr> <td>\$</td> <td></td> <td>\$</td> <td></td> <td>\$</td> <td></td> </tr> <tr> <td>By:</td> <td>Date:</td> <td>By:</td> <td>Date:</td> <td>By:</td> <td>Date:</td> </tr> </table>		Sign FEE		Elect. FEE		Total FEE		\$		\$		\$		By:	Date:	By:	Date:	By:	Date:
Sign FEE		Elect. FEE		Total FEE																		
\$		\$		\$																		
By:	Date:	By:	Date:	By:	Date:																	
143. Sign Contractor's Address:		144. Phone:																				

(I) APPLICANT'S SIGNATURE

A. OWNER: I hereby certify that I am the owner of the property, that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner: Tatiana Kuepp Address: 301-7th St SE, WDC Date: 8.5.08

B. AGENT: I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Agent: _____ Address: _____ Date: _____

DCRA

DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS

Environmental Intake Form

Owner & Contact Information

Complete address of proposed work

Square 0785	Suffix (if any) 177	Lot 0820	Application date (4 numbers for year) 08062007
Number 317	Ext.	Official street name CONSTITUTION AVE/REAR	Quadrant NE
Unit/Suite			

Project name	Filed Job Application number (if applicable)	Project Description NEW FENCE REPLACE EXISTING GARAGE	
6. Owner 300 INDEPENDENCE AVENUE, LLC	7. Complete mailing address (include zip) 301-7TH STREET SE	8. Phone 202 544 6666	9. Email, if you prefer e-notice DOORS
10. Agent for owner, if applicable	11. Complete mailing address (include zip)	12. Phone	13. Email, if you prefer e-notice

Project Scope

Scope (Check all that this project involves.)	No	Yes	If You Answer "Yes"
1. Is this project a residential structure within R-1 through R-5-A zoning districts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Skip to the signature line.
2. Is this project a single-family structure <i>not</i> built in conjunction with 2 or more units?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Is this project an accessory structure, such as a garage, patio, pool, or fence?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Is this project only an interior renovation with no building use or capacity change?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Is this project in an Economic Development Zone, as defined in DC Official Code § 6-1501 et seq (DC Law 7-177)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Is this project in the Central Employment Area, defined in DC Zoning Regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Does the project involve <i>only</i> operation, repair, maintenance, or minor alteration of public structures, facilities, mechanical equipment, or topographical features, with <i>negligible or no</i> expansion of use beyond its current use?	<input type="checkbox"/>	<input type="checkbox"/>	Attach a site plan. If there is no plan, attach a written explanation.
8. Does the owner of this site own adjacent or abutting property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Do you plan to develop adjacent/abutting property in next 3 years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Do you plan more development that requires permit(s) on any site in this square in next 3 years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See EIS Coordinator.
11. Is this project a solid waste facility?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. Have you prepared an Environmental Impact Statement (EIS) or a functional equivalent, as required by the National Environmental Policy Act of 1969 (NEPA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attach the EIS or equivalent.
13. Are you claiming an exemption, other than those listed in this form, from the requirement to submit an Environmental Screening Form, under Title 20 § 7202.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attach an explanation; cite relevant section of regulations.
14. Is the total project cost more than \$1.51 million, including site preparation and construction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If you're not claiming an exemption, attach an EISF.
15. For projects with a total cost of \$1.51 million or less, check all that apply: <input type="checkbox"/> Contains threatened or endangered plant or animal species. <input type="checkbox"/> Is within 100 feet of a pond, stream, lake, spring, or wetland. <input type="checkbox"/> Project will produce emission of odorous or other air pollutants (from any source, including VOCs). <input type="checkbox"/> Project produce, use, or dispose of hazardous substances, as defined in 20 DCMR 7299. <input type="checkbox"/> Will be built on land where the water table depth is less than 3 feet. <input type="checkbox"/> Will require blasting. <input type="checkbox"/> Will generate medical, infectious, radioactive, or hazardous waste.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If you check any item, attach EISF or equivalent.

I certify that all statements on this application are true and complete to the best of my knowledge and belief. I agree to comply with all applicable DC laws and regulations. The making of false statements on this application is punishable by criminal penalties. (DC Code Sec. 22-2514)

Kathleen Kaupp

Signature of Owner/Authorized Agent

Date 05-05-08

OFFICIAL USE ONLY

Environmental Impact Screening Form Required

☐ Yes. Referred to EIS Coordinator ☐ No

DCRA Reviewer

Date

NOTE: Building permit approval is not the same as approval of an action or entire project under the Environmental Policy Act of 1989. If you build on the same, adjacent, or abutting property, or expand on work covered by this Environmental Intake Form within 3 years, you may be required to file an EISF for the whole project, including the part covered by this application and permit approval. If the action violates any federal or DC environmental laws, an EISF can be required.

To report waste, fraud, or abuse by any DC government office or official, call the Inspector General: 1-800-521-1639